

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

ROCHELLE BILAL : CIVIL ACTION  
: :  
-vs- : NO.  
: :  
CITY OF PHILADELPHIA; : :  
SYVESTER JOHNSON, JOHN J. GAITTEN, : JURY TRIAL DEMAND  
CHRISTOPHER FLACCO, LT. : :  
TERRENCE GIBBS, AND MARTIN HENRY : :

COMPLAINT

I. INTRODUCTION

1. This action involves retaliation by the Employer and/or unlawful employment discrimination under a policy to condone acquiesce and/or adopt the acts of the Employer's employees and supervisors, who retaliate against those who engaged in activity protected under anti discrimination laws; such as, 42 U.S.C. 2000e, Title VII, and the Pennsylvania Human Relations Act.

2. The action also involves an intentional deprivation of federal rights by the defendants, under color of state law and also under a policy of the City. Accordingly an action for denial of equal protection of law, because of race, and free speech as secured under the First Amendment of the United States Constitution is brought under 42 USC 1983, et seq. State pendent claims are also asserted.

3. The employee supervisors in this action are police commissioner Sylvester Johnson; Police Board of Inquiry Prosecutor Christopher Flacco, Deputy Police Commissioner over seeing Labor Jack Gaittens, Lt. Gibbs (Commander of HIDTA)and Sgt. Henry (Internal Affairs). All are aider and abettors of the aforementioned policy of the Defendant employer the City of Philadelphia).

4. Plaintiff brings the identified federal causes of action under 42 U.S.C. 2000e, Title VII, and its amendments, and under 42 USC 1983 et seq. The state pendent claim is brought under the Pennsylvania Human Relations Act (43 Pa. Stat. Ann. § 951 et seq.) and in each claim affirmative and declaratory relief as permitted by law and equality to make the Plaintiff whole is sought. Punitive damages are sought but not against the City of Philadelphia. relief is sought for the intentional discrimination and retaliation that has occurred, the relief sought included but is not limited to back and front pay, compensatory damages, declaratory relief, and expunge of discipline, without regards to caps as none exists under the Pennsylvania Human Relations Act.

## II. JURISDICTION AND VENUE

5. Jurisdiction is conferred upon this Court pursuant to 42 U.S.C. § 2000(e), et seq. and 42 U.S.C. §1983 et. seq. and 28 U.S.C. Sections 1331 and 1343(4). Venue herein is found under 28 U.S.C. Section 1391(b) and (e) because the alleged conduct complained of herein was committed within the Federal Judicial District of Eastern District of Pennsylvania. Plaintiff assert supplemental jurisdiction to decide the pendent state claims.

## III. PARTIES AND MATERIAL AVERMENTS

6. Rochelle Bilal (hereafter Plaintiff) is a person as intended by 42 USC 1983, et seq., and she is an employee or protected person as intended by 42 USC 2000e and the Pennsylvania Human relation Act claims. Plaintiff reside is Philadelphia Pennsylvania.

7. Defendants are the City of Philadelphia (hereinafter "Defendant City") Sylvester Johnson, Christopher Flacco, Jack Gaittens, Lt. Terrence Gibbs and Sgt. Martin Henry. The City is a municipality created under the laws of the Commonwealth of Pennsylvania and is an Employer as intended for the Title VII and Pennsylvania Human Relations claims, it is a municipality for the purpose of the Monell claim under 42 USC 1983, and it is specifically the

Plaintiff and remaining other defendants for the purpose of the Title VII and Pennsylvania Human Relations claims. All defendants at the time of the events that give rise to the claims resided in and were domiciled in Philadelphia, Pennsylvania. Defendant Johnson now resides in Delaware.

8. On March 27, 1007 Plaintiff filed a Charge of Race, Sex and retaliation with the Equal Employment Opportunity Commissions. The charge was cross filed with the Pennsylvania Human Relations Commissions, and each agency charge was file within 300 days of the event date giving rise to liability that is at issue in this action. Aiding and Abetting was asserted under the PaHRA. The Charge resulted in a Right-to Sue letter being issued. On June 5, 2009 the letter was received by the Plaintiff (a Copy of the Right-to Sue letter is attached and marked as Exhibit 1)

9. At al times material to this action the Defendants:

- a) acted under color of state law;
- b) deprived the Plaintiff of rights secured under federal law, regulation and/or the United States constitution;
- c) acted intentionally, knowing, recklessly, with gross negligence, maliciously, with deliberate indifference for the rights of the Plaintiff, in reckless disregard for Plaintiff's rights, contrary to clearly established law, for themselves and each other, to deprive rights under an agreement and the Policy, custom and practice of the City of Philadelphia to directly or indirectly condone, ratify, acquiesce and adopt the actions of individual employees to discriminate against others, in employment and the terms and conditions of employment, because of race, sex and activities protected by law, and to cause the injury and damages that are more fully explained below and that Plaintiff suffered, such as humiliation, embarrassment, emotional distress, wage loss and loss of employment opportunities.

IV. CLAIMS

**COUNT I**  
**42 USC 2000e -RETALIATION**

12. Plaintiff repeats all the preceding paragraphs in all of the above sections here and does so as though each were repeated verbatim.

13. Plaintiff is a Afro-American female. On June 23, 1986 the City of Philadelphia hired Plaintiff as a Police Officer. For all times material to the claims, Plaintiff worked in the Narcotic Nidta, Narcotic's Bureau.

14. On or about April 21, 2006 Plaintiff engaged in protected activity by opposing and aiding another employee (Teresa Brooks) to oppose and pursue a employment discrimination charge against the City of Philadelphia under 42 USC 2000e Title VII and Pennsylvania Human Relations Act.

15. All defendants were aware of the Plaintiff's assistance to the employee (Theresa Brook) and activities to aid her in the presentment and prosecution of the 42 USC 2000e Title VII and Pennsylvania Human Relations Act discrimination in employment charge.

16. In fact, on or about the time of Plaintiff protected activates a statement was taken from Plaintiff about Plaintiffs off duty activities in aid of the employee Teresa Brook. The statement was taken by Sgt Henry with the knowledge of the remaining defendants, including Lt. Gibb, Deputy commissioner John Gaittens and Police commissioner Sylvester Johnson.

17. During Plaintiff's interview by Defendant Gibbs, Plaintiff gave truthful but harmful information to the City employer; that information concerned employee Theresa Brooks' employment discrimination charge, which charge involved Brooks (a afro-American female) being assaulted by white male supervisor Captain Jerald Levins, while each was in the City Law Department at 1515 Arch street, Philadelphia Pennsylvania. Supervisor Capt. Levins was not discipline for the assault and failing to stay at the assault scene; rather, Levins was

allowed to retire; although such supervisors such as deputy Commissions Patricia Fox and John Gaittens were aware of the misconduct. Similar conduct by Afro-American employees has lead to criminal charges and/or firing from employment with the City.

17. Sgt Henry and Lt. Giggs are with the Internal Affairs Division of the defendant City's Police Department. They were for all times material to Plaintiff's claims under the direct supervision and control of Defendants Johnson, Gaittens and Flacco. Defendant Flacco headed the prosecution unit for the City's Police Inquiry Board, which is the Board deciding discipline matters that go to a hearing. Flacco was at all times material to Plaintiff's claims directly supervised by Gaittens and Johnson.

18. On or about December 21, 2008, following the official conclusion of the 2006 investigation, Plaintiff was subjected to adverse employment action by the Defendants, such as but not limited to; a loss of pay and suspension.

19. The substantial and/or motivating reason of the Defendants for the adverse action, which included initiated of the investigation that resulted in the 2008 charge by Gibbs and Henry; the prosecution of the charges by Flacco and the enforcement of the pay loss and suspension from the charges by Gaittens and Johnson, was Plaintiff's protected activity in opposing and aiding another employee to opposes perceived illegal employment discrimination.

20. The above described adverse action against the Plaintiff was intended to dissuade the Plaintiff from continuing to aid Therese brooks in the presentment and prosecution of the perceived illegal employment discriminating charge.

21. The direct or proximate cause for the investigation against the Plaintiff, the charge that resulted, and the prosecution and discipline imposed, that caused Plaintiff's

damages, including such injuries as humiliation, embarrassment and mental anguish, was the adverse action.

21. Plaintiff has been subjected to illegal employment discrimination and retaliation by the Defendant City of Philadelphia employer. In that the City under a policy used its employees, supervisors and internal affairs unit, such as employees Sgt. Martin Henry and Lt. Gibbs to conduct an investigation that concerned an opposition to employment discrimination, which allegation was the subject of an EEOC charge by employee Teresa Brook, who charged the City employer with race and sex discrimination and retaliation, for which Plaintiff was interviewed about.

22. The Employer caused through Gaittens, Gibbs and Henry the interview of the Plaintiff about the Brooks incident. Following Plaintiff's interview Gaittens, Gibbs and Henry, with the consent and approval of Johnson and Flacco, initiated an investigation against Plaintiff. The investigation lead to adverse discipline to be taken against the Plaintiff. The adverse action was approved to be taken by Johnson, Gaittens and Flacco. The adverse action caused Plaintiff to loose wages and employment opportunities.

23. At all times, for the acts set forth in paragraph 22, each and every Defendant knew of the others action and that their action was for a common purpose to retaliate against Plaintiff for assisting Brook and providing truthful but harmful information about the City Employer's illegal conduct and that of the City employer's employees.

**COUNT II**  
**42 USC 2000e - RACE AND SEX DISCRIMINATION**

24. Plaintiff repeats all the preceding paragraphs in all of the above sections here and does so as though each were repeated verbatim.

25. The City of Philadelphia is Plaintiff's employer, and the City has in excess of 500 employees.

26. Plaintiff because of her race and/or sex was treated different in the terms and conditions in the employment. In that, the Plaintiff was disciplined, suspended and caused to loose pay and employment opportunities where males and whites would not be.

27. Plaintiff was because of her sex and race subjected to discipline for cooperating in an investigation by the Employer about illegal employment discrimination, which included an allegation against the Employer of different treatment in the terms and conditions of employment, because of race and sex, and for providing truthful but harmful information about the Employer during the investigation by the Employer concerning employee Therese Brook's complaint, which complaint was filed with and know by the Employer and its employees to be before the Equal Opportunity Commissions and Pennsylvania Human Relations Commission about Therese Brook's charge and opposition to illegal employment action by the Employer and the Employer's failure to take prompt and/or appropriate action to stop the employment discrimination and retaliation.

**COUNT III**

**42 USC 1983 - RETALIATION- RACE DISCRIMINATION / EQUAL PROTECTION**

28. Plaintiff repeats all the preceding paragraphs in all of the above sections here and does so as though each were repeated verbatim.

29. Defendants Johnson, Gaittens, Flacco, Gibbs and Henry took action under color of state law by starting an investigation against the Plaintiff; bringing discipline against the Plaintiff, and by imposing and enforcing the discipline against the Plaintiff, which acts, actions and conduct was intended to be done for a common goal of and to treated Plaintiff different

because of Plaintiffs race and sex, for conduct similarly situated whites and males are not subjected to the same acts actions and conduct as the Plaintiff.

30. Plaintiff because of her race was deprived under color of state law by the Defendants of her Fourteenth Amendment equal protection of law.

31. Plaintiff because of her race was deprived by the Defendants of equal treatment in contract and law.

32. Plaintiff because of her exercise of free speech rights to give truthful information about illegal conduct of the Employer and its employees (as secured right is secured under the First Amendment of the United States Constitution) was subjected to adverse action by the defendants, for the protected First Amendment activities,, which adverse action is the direct or proximate caused of damages and injury to the Plaintiff, such as loss of pay, employment opportunities, and extreme mental anguish.

**COUNT IV**  
**STATE PENDENT CLAIMS - PENNSYLVANIA HUMAN RELATIONS ACT**

29. Plaintiff repeats all the preceding paragraphs in all of the above sections here and does so as though each were repeated verbatim.

30. Defendant City is an Employer and entity subject to the Pennsylvania Human Relations Act.

31. Defendants Sylvester Johnson, (Commissioner at the time), Deputy Commissioner John J. Gaittens, Captain Christopher Flacco (now Inspector), Lt. Gibbs and Sgt Henry are supervisory persons covered under the Pennsylvania Human Relations Act as aiders and abettors.

32. Plaintiff is an employee and person covered under the Pennsylvania Human Relations Act.

33. For the acts, actions and conduct aforementioned by the City Employer and Defendants Johnson, Gaittens, Flacco, Gibbs, and Henry, as aiders and abettors of the City Employer's policy to condone, acquiesce to and adopt actions of its supervisors that are intended to be and are retaliation motivated to retaliate against employees who engage in Title VII and Pennsylvania Human Relations Act protected activity, Plaintiff is separate and joint relief against the City and individual defendants as provided by law and/or under the Pennsylvania Human Relations Act.

34. The conduct, act, and actions of Defendants were extreme, outrageous and beyond the type society tolerates.

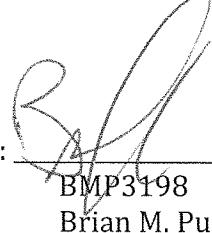
35. As a direct result of Defendants' conduct, acts, and actions the Plaintiff sustained injury to her person and property, which injury included but is not limited to loss of employment opportunity, prestige, wages (property in the employment) and benefits attendant to the employment; additionally, the Plaintiff suffered humiliation, embarrassment, and extreme emotional distress, which manifest into physical form; such as but not limited to weight gain and loss, muscle spasms, raised blood pressure, upper and back pain, disrupted sleep, depression, stomach and headaches, eye twitching, hair loss, and injury to the hand and nerves, which manifestations required medical care and treatment.

**V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following:

- a. Declaratory, Injunctive and Equitable relief, as permitted by Law in Equity;
- b. Affirmative relief, as permitted by Law, such as but not limited to, back pay, front pay, reinstatement with retroactive benefits, compensatory, consequential, and punitive damages (but not against the City municipal employer); nominal damages; attorney fees and litigation costs; and,
- c. Such other relief as the Court deems appropriate and just to make the Plaintiff's whole for the deprivation of their rights, privileges and immunities under federal law, rule regulation and constitution.

Date: 08/13/09

BY:   
BMP3198 /s/  
Brian M. Puricelli  
Brian M. Puricelli, Esquire

## DISMISSAL AND NOTICE OF RIGHTS

To: Rochelle Bilai  
103 East Colonial Street  
Philadelphia, PA 19120

From: Equal Employment Opportunity Commission  
Philadelphia District Office  
801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127

*[ ] On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))*

Charge No.	EEOC Representative	Telephone No.
530-2007-02311	Legal Unit	(215) 440-2828

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC. In other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state) \_\_\_\_\_

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

*William D. Cole*

Enclosure(s)

Information Sheet

cc: Philadelphia Police Department  
Brian M. Puricelli, Esquire (For Charging Party)  
Jeffrey B. First, Esquire (For Respondent)

*for* Marie M. Tomasso, District Director*6/2/09*

(Date Mailed)



Case 2:09-cv-03811-BMS Document 1 Filed 08/20/09 Page 12 of 17  
U.S. Equal Employment Opportunity Commission  
Philadelphia District Office

801 Market Street  
Suite 1300  
Philadelphia, PA 19107  
(215) 440-2602  
TDD: 1-800-669-6820  
FAX (215) 440-2604  
1-800-669-4000

Respondent: PHILADELPHIA POLICE DEPARTMENT  
EEOC Charge No.: 530-2007-02311  
FEPA Charge No.:

December 5, 2007

Rochelle Bilal  
103 East Colonial Street  
Philadelphia, PA 19120

Dear Ms. Bilal:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- Title VII of the Civil Rights Act of 1964 (Title VII)
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- The Equal Pay Act (EPA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

Please be aware that we will send a copy of the charge to the agency listed below as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

Pennsylvania Human Relations Commission  
Suite 300  
301 Chestnut St  
Harrisburg, PA 17101

Please notify this office of any change in address or of any prolonged absence from home. Failure to cooperate in this matter may lead to dismissal of the charge.

Sincerely,

\_\_\_\_\_  
William D. Cook  
Enforcement Manager  
(215) 440-2634

Chairperson  
STEPHEN A. GLASSMAN  
Vice-Chairperson  
RAQUEL OTERO de YIENGST  
Secretary  
DANIEL D. YUN  
Executive Director  
HOMER C. FLOYD



COMMISSIONERS  
DAVID A. ALEXANDER  
M. JOEL BOLSTEIN  
TIMOTHY CUEVAS  
REV. DR. JAMES EARL GARMON, SR.  
TONI M. GILHOOLEY  
J. WHYATT MONDESIRE  
KWEILIN NASSAR  
DANIEL L. WOODALL, JR.

COMMONWEALTH OF PENNSYLVANIA  
HUMAN RELATIONS COMMISSION  
301 Chestnut Street, Suite 300  
P.O. Box 3145  
Harrisburg, PA 17105-3145  
(717) 787-4410 (Voice)  
(717) 787-4087 (TTY)

[www.phrc.state.pa.us](http://www.phrc.state.pa.us)

June 19, 2008

Rochelle Bilal  
103 East Colonial Street  
Philadelphia PA 19120

RE: Rochelle Bilal v Philadelphia Police Department  
Case No.200704165

Dear Rochelle Bilal:

It has been one year since you filed your complaint with the Pennsylvania Human Relations Commission (PHRC). As you are aware, the U.S. Equal Employment Opportunity Commission (EEOC) has docketed and is processing your complaint. The PHRC has been holding your complaint in abeyance pending the completion of EEOC's processing of your case.

You elected to have EEOC conduct the investigation and filed your complaint with PHRC to preserve your rights under state law. Because it is more than one year since you filed your complaint with PHRC, you now have the right to file a complaint in the appropriate Pennsylvania court of common pleas. This right is provided under Section 12(c) of the Pennsylvania Human Relations Act (PHRAct), 43 P.S. Subsection 962(c). Please be advised that you are not required to file such an action in state court. If you believe that you might want to take your case to state court, we suggest that you consult a private attorney, so that your attorney may weigh the benefits of filing in state court.

It is the PHRC's intention to close your case based on the accrual of the right to file in state court and the continued assumption of investigative jurisdiction by EEOC unless you advise us that you want PHRC to keep your case open. If you do not contact PHRC in **writing within 30 days** of the date of this letter and request PHRC to keep your case open, it will be assumed that you want EEOC to continue to process your case and PHRC will close your case administratively.

Should you file a complaint in State Court, you are required by Section 12(c)(2) of the PHRAct to serve the PHRC with a copy of the Court complaint. This copy must be served on PHRC at the same time you file it in Court. The copy is to be sent to: Michael Hardiman, Chief Counsel, at the above listed address.

Sincerely,

William G. Smithey, Jr.  
Assistant to the Director of Compliance

WGS: cmw  
cc: Brian Puricelli, Esq.

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

ROCHELLE BILAL

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brian Puricelli, 691 Washington Crossing Rd, Newtown PA 18940  
(215) 504-8115**DEFENDANTS**City of Philadelphia, Syveter Johnson, John J Gaitten,  
Christopher Flacco, Martin Duffy et al.County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	<input checked="" type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
42 USC 1983 et seq, 42 USC 2003 (Title VII)**VI. CAUSE OF ACTION**Brief description of cause:  
deprivation of a federal right under color of state law & employment discrimination/retaliation**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8-14-2009

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## APPENDIX I

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

<i>Rochelle Bilal</i>	:	CIVIL ACTION
	:	
	:	
<i>v.</i>	:	
<i>City of Philadelphia et al.</i>	:	NO.
	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (✓)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

8/14/2009  
Date

*Brian Purcell*  
Attorney-at-law

*Brian*  
Attorney for Pltf

215 504 8115  
Telephone

215 504 8116  
FAX Number

D.purcell@comcast.net  
E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Phila Pa  
 Address of Defendant: Phila Pa  
 Place of Accident, Incident or Transaction: Phila Pa  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

*RELATED CASE, IF ANY:*

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
 Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
 Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
 Yes  No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
 Yes  No

**CIVIL: (Place  in ONE CATEGORY ONLY)**

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases  
 (Please specify)

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

*(Check appropriate Category)*

I, Brian Lincell, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 8/14/2009

*Brian Lincell*  
 Attorney-at-Law

61933  
 Attorney I.D.#

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/14/2009

*Brian Lincell*  
 Attorney-at-Law

61933  
 Attorney I.D.#

APPENDIX G

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Rochelle Bilal

v.

Civil Action

No:

City of Philadelphia et al.

DISCLOSURE STATEMENT FORM

Please check one box:

- P/A* The nongovernmental corporate party, \_\_\_\_\_, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- N/A* The nongovernmental corporate party, \_\_\_\_\_, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

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*8/14/2009*

Date



Signature

Counsel for: Plaintiff

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
  - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
  - (2) promptly file a supplemental statement if any required information changes.